## MINUTES FOR THE COURT OF APPEAL STATE OF CALIFORNIA SECOND APPELLATE DISTRICT

### August 15, 2005

### **DIVISION THREE**

B174691 Business To Business Markets, Inc., et al. (Not for Publication)

v.

Kshema Technologies Ltd.

The trial court judgment based upon the grant of summary/judgment adjudication in favor of Kshema is reversed in part and affirmed in part. The matter is remanded to the trial court for further proceedings consistent with this opinion. The trial court order sustaining Kshema's demurer and dismissing Kohan from the action with prejudice is affirmed. Each party to bear its own costs on appeal.

Kitching, J.

We concur: Klein, P.J.

Croskey, J.

#### **DIVISION FOUR**

B174350 People (Not for Publication)

v.

Mudica, Gefrerer and Monk

The judgments are affirmed.

Willhite, J.

We concur: Epstein, P.J.

Curry, J.

#### DIVISION FOUR (Continued)

B158749 Thorndal (Not for Publication)

v.

Provident Life and Accident Insurance Company, et al.

We affirm the judgment with respect to the award of damages for bad faith. We reverse the determination that the jury's award for breach of the implied covenant of good faith and fair dealing was limited to emotional distress damages, and conclude that the award included emotional distress damages and future residual disability benefits. We reverse the judgment with respect to the award of attorney fees for depositions taken in other cases, but we affirm the award of fees in all other respects. We reverse the award of \$3,825.68 in costs for depositions taken in other cases, but we affirm the award of costs in all other respects. On remand, the trial court is to adjust the awards of costs and fees by excluding any amount related to depositions taken in other cases. We reverse the entry of summary judgment in favor of the insurers on the issue of punitive damages. Appellant is to recover her costs on appeal.

Epstein, P.J.

We concur: Curry, J.

Willhite, J.

B134480 People (Not for Publication)

v. Kang

Appellant's sentences are reversed and the matter is remanded for resentencing in accordance with the views expressed in this opinion. The judgment in all other respects is affirmed.

Curry, J.

We concur: Epstein, P.J.

Willhite, J.

## DIVISION FOUR (Continued)

B178382 People (Not for Publication)

v. Cricks

The judgment is affirmed.

Epstein, P.J.

We concur: Curry, J.

Willhite, J.

B180269 People (Not for Publication)

v. Reed

The order is affirmed.

Willhite, J.

We concur: Epstein, P.J.

Curry, J.

# **DIVISION FIVE**

B180780 People (Not for Publication)

v.

Troy Ward

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.

Kriegler, J.

#### **DIVISION SIX**

B173687 People (Not for Publication)

v.

Hodges

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.

Perren, J.

B169667 M&H Glass Enterprises (Not for Publication)

V.

Ronald T. Tischler, etc.

That portion of the judgment establishing an express easement by virtue of the Prudential deed is reversed. That portion of the judgment establishing an express easement conveyed by the Waitsman deed (reciprocal easement grant deed) is affirmed. That portion of the judgment establishing an equitable servitude is reversed. The judgment is otherwise affirmed. Costs on appeal are awarded to respondents.

Coffee, J.

We concur: Gilbert, P.J.

Perren, J.

B178329 Garcia et al. (Certified for Publication)

v.

Board of Turstees of the California

State University et al.

The judgment is affirmed. Costs on appeal are awarded to respondents.

Gilbert, P.J.

We concur: Yegan, J.

Perren, J.

## DIVISION SIX (Continued)

B173374 People (Not for Publication)

v. Young

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.

Coffee, J.

B181108 People (Not for Publication)

v. Landy

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.

Coffee, J.

# **DIVISION SEVEN**

B177273 Herrmann

v.

Bottini

Filed order denying petition for rehearing.

#### **DIVISION EIGHT**

B170343 Los Angeles County, D.C.S. (Certified for Publication)

v.

Joshua S. et al.

The order terminating jurisdiction is reversed. The children shall have 120 days from the date of remittitur to file section 388 petition to modify the permanent placement order from legal guardianship to long-term foster care with grandmother for the purpose of making the children eligible for AFDC-FC payments. During those 120 days, counsel for the children is directed to make all reasonable efforts to interview the children to ascertain their wishes and to obtain any other evidence that might bear on the petition. If counsel for the children notifies the juvenile court that it is not in the children's best interests to file such a petition, or if no such petition is filed within 120 days of the remittitur, the trial court is authorized to terminate jurisdiction.

Rubin, J.

We concur: Cooper, P.J.

Boland, J.

B176666 Sears, Roebuck & Company

(Certified for Publication)

V

National Union Fire Ins. Company Of Pittsburgh Geoffrey Mousseau

For the reasons set forth above, the appeal is dismissed insofar as it relates to the denial of Mousseau's peremptory challenge to the discovery referee and to the April 8, 2004, order awarding Sears discovery sanctions of \$9,646. The March 5, 2004, order granting Sears' motion to compel discovery and ordering Mousseau to pay discovery sanctions of \$12,472.60 is affirmed. Respondents to recover its costs on appeal.

Rubin, J.

We concur: Cooper, P.J.

Boland, J.

## DIVISION EIGHT (Continued)

(Not for Publication) B177113 People

v.

Arellano

The order is affirmed.

Rubin, Acting P.J.

We concur: Boland, J.

Flier, J.

People (Not for Publication) B177113

v.

Arellano

The judgment is affirmed.

Rubin, Acting P.J.

We concur: Boland, J.

Flier, J.

(Not for Publication) Lopez B175320

v.

Hartt

For reasons set forth above, the judgment is affirmed. Respondent Hartt to

recover her costs on appeal.

Rubin, Acting P.J.

We concur: Boland, J.

Flier, J.

## **DIVISION EIGHT (Continued)**

B173591 People v. Donna Navarro (Certified for Publication)

B175513 Edward Navarro v. S.C.L.A., The People

For the reasons set forth above, the judgment as to Donna Navarro is affirmed. Edward Navarro's petition for a writ of prohibition or mandate is denied, our order to show cause is discharged, and the stay of proceedings in his case is lifted.

Rubin, J.

We concur: Cooper, P.J.

Boland, J.